



*Melinda Katz*  
*Queens Borough President*

## Community Board No. 2

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*Denise Keehan-Smith*  
*Chairwoman*

*Debra Markell Kleinert*  
*District Manager*

July 29, 2019

Ms. Marisa Lago  
Director  
NYC Department of City Planning  
Calendar Information Office  
120 Broadway, 31<sup>st</sup> Fl.  
New York, NY 10271

Re:     Applic. No. M 130191(A) ZSQ  
          22-44 Jackson Avenue  
          Block 86, Lot 1  
          M1-5/ R7-3 District  
          Special Long Island City Mixed Use District (Queens Plaza Subdistrict, Area C)  
          Borough of Queens  
          Community District 2

Dear Ms. Lago:

In the Application for Minor Modification for 22-44 Jackson Avenue "5 Pointz", the developer is seeking approval by the Department of City Planning to legalize the changes made to the building construction from the original Special Permit and drawings approved by the Department of Buildings in 2013.

The original Special Permit allowed an increase from 5 to 8 FAR and proposed to construct two towers 41 and 47 stories with 1000 housing units. In the original special permit this was an increase of 372 units from what would have been allowed "as of right" (as of right would have been 628 units, approved special permit was 1000 units in the 2 buildings). This current Application for Minor Modification further increases the number of housing units by 112, essentially 30% more units than were originally permitted without a special permit or other legal maneuver. We do not consider this change "minor".

The developer has sought every way to thwart Community Board review. The Application for Minor Modification was certified by the Department of City Planning (the Department of City Planning notification to Community Board 2 with Application and attachments was dated June 7<sup>th</sup> and received by the Community Board on June 12<sup>th</sup>) after the June full Community Board Meeting, which is the last meeting until September. The Community Board review period is 45 days, so any response by the Board would preclude consideration of the materials at a regularly scheduled full Board Meeting.

The developer and legal counsel did attend the June 20<sup>th</sup> Land Use Committee Meeting and at that meeting, members posed a number of questions regarding the Application. The Applicant indicated they would respond asap. Mr. Wolkoff subsequently called the Board office and requested to meet with Ms. Keehan-Smith and Ms. Deller. At that meeting we requested he provide clarification of the items we had requested at the Land Use Meeting. By July 19<sup>nd</sup> no response had been received by the Board and as such, the Chair, Ms. Keehan-Smith sent an email requesting their response by July 22<sup>nd</sup>. On Friday, July 26<sup>th</sup> at 3:45 PM a letter of response was received at the Board office. With the Community Board comments due to the Department of City Planning on July 29<sup>th</sup> and only two summer weekend days for the Board to discuss, this timing exhibits an artful manipulation of the rules to inhibit any further Community review within the required timeframe.

Given that neither the Land Use Committee nor the full Community Board has had an opportunity to discuss the developer's response, we hereby submit our response to deny approval of the Application.

Respectfully,



Denise Keehan-Smith

Chairwoman, CB2 Queens



Lisa Deller,

Chairwoman, Land Use Committee, CB2 Queens

Cc: Honorable Alexandria Ocasio-Cortez, US Congress  
Honorable Carolyn B. Maloney, US Congress  
Honorable Grace Meng, US Congress  
Honorable Nydia M. Velazquez, US Congress  
Honorable Michael Gianaris, NY State Senate  
Honorable Brian Barnwell, NYS Assembly  
Honorable Catherine T. Nolan, NYS Assembly  
Honorable Robert Holden, NYC Council Member  
Honorable Jimmy Van Bramer, NYC Council Member  
Honorable Daniel Dromm, NYC Council Member  
Honorable Melinda Katz, Queens Borough President of the Borough of Queens  
Honorable Sharon Lee, Deputy Borough President  
Irving Poy, Queens Borough President's Office  
John Young, Department of City Planning  
Alexis Wheeler, Department of City Planning